

## REMARKS

Claims 1-10 were examined and reported in the Office Action. Claims 1-10 are rejected. Claims 1 and 7 are amended. New claims 11-14 are added. Claims 1-14 remain.

Applicant requests reconsideration of the application in view of the following remarks.

### I. 37 CFR 1.75(c)

It is asserted in the Office Action that claims 6-9 are objected to under 37 CFR 1.75(c) as being in improper form. Applicant has amended claims 6-7 to overcome the 37 CFR 1.75(c) objection.

Accordingly, withdrawal of the 37 CFR 1.75(c) objection for claims 6-9 is respectfully requested.

### II. 35 U.S.C. §102(b)

A. It is asserted in the Office Action that claims 1-3 and 6-7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,167,740 issued to Shriver ("Shriver"). Applicant respectfully disagrees.

According to MPEP §2131, "'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 1 contains the limitations of "[a] relay antenna mast for a cellular radio telecommunications system, the mast being characterized in that it comprises: a mast stand (1); at least one arm (3) pivotally mounted on said mast stand (1) and carrying at least one antenna of a cellular radio-telecommunication system (5); and means for locking said arm in a position in which the antenna(s) is/are in a high position; said arm (3) being suitable, when said locking means are disengaged, for being tilted about its pivot axis (4) to a position in which at least one antenna is at a height enabling it to be worked on by an operative at the foot of the mast."

Applicant's amended claim 1 contains limitations for a mast that is specific for a cellular radio telecommunication system. Such systems are very specific as compared with the traditional antenna systems. These antenna systems usually comprise a large number of antennas that must be installed in many different places. Many of these antennas must be installed on the top of buildings in towns and big cities. This raises problems that make this technical field different from the general field of radio antennas.

Shriver discloses a mast for an antenna used by a radio operator. Shriver, however, does not teach, disclose or suggest a mast carrying an antenna of a cellular radio-telecommunication system.

Therefore, since Shriver does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, as listed above, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Shriver. Thus, Applicant's amended claim 1 is not anticipated by Shriver. Additionally, the claims that depend directly or indirectly from Applicant's claim 1, namely claims 2-3 and 6-7, are also not anticipated by Shriver for the above same reasons.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-3 and 6-7 are respectfully requested.

**B.** It is asserted in the Office Action that claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by FR Patent No. 2,684,127 issued to Tesson ("Tesson"). Applicant respectfully disagrees.

Applicant's amended claim 1 is listed in section II(A).

Tesson discloses a mast for carrying lights (page 3, lines 28-30). Tesson, however, does not disclose, teach or suggest a mast for a cellular radio-telecommunication system.

Therefore, since Tesson does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, as listed above, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Tesson. Thus, Applicant's amended claim 1 is not anticipated by Tesson. Additionally, the claims that depend directly or indirectly from Applicant's claim 1, namely claims 2-7, are also not anticipated by Tesson for the above same reasons.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-7 are respectfully requested.

C. It is asserted in the Office Action that claims 1 and 8-10 are rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 4,151,534 issued to Bond ("Bond"). Applicant respectfully disagrees.

Applicant's claim 8 directly depends on claim 1. Applicant's claim 9 indirectly depends on claim 1. Applicant's amended claim 1 is listed above in section II(a). Applicant's claim 10 contains the limitations of "[t]he use of a tilting antenna mast to carry at least one relay antenna in a cellular radio telecommunications system."

Bond discloses a mast for a television antenna (column 1, line 66). Bond, however, does not disclose, teach or suggest a mast for a cellular radio-telecommunication system. Regarding claim 9, it should be noted that Bond does not disclose a mast carried on the top of a building. Indeed, Bond recites that the depending end of the base of the antenna is embedded in a section of concrete disposed below the surface of the earth, as recited in column 2, lines 35-37.

Therefore, since Bond does not disclose, teach or suggest all of Applicant's claims 1 and 10 limitations, as listed above, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Bond.

Thus, Applicant's claims 1 and 10 are not anticipated by Bond. Additionally, the claims that depend directly or indirectly from Applicant's claim 1, namely claims 8-9, are also not anticipated by Bond for the above same reasons.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1 and 8-10 are respectfully requested.

### **III. Newly Added Independent Claims**

Applicant's new claim 11 contains the limitations of " [a] relay antenna mast for a cellular radio telecommunications system, the relay antenna mast comprising: a mast stand (1); at least one arm (3) pivotally mounted on said mast stand (1) and carrying at least one antenna of a cellular radio-telecommunication system (5); means for locking said arm in a position in which the antenna(s) is/are in a high position; and a linkage comprising two elements (13a, 13b) fixed one to the mast stand (1) and the other to the arm, one (13a) of the elements carrying means (12) for fixing a retaining device (14) enabling the operative to control tilting of the arm; said arm (3) being suitable, when said locking means are disengaged, for being tilted about its pivot axis (4) to a position in which at least one antenna is at a height enabling it to be worked on by an operative at the foot of the mast."

It is asserted in the Office action that the mast of original claim 4 is known from the disclosure of Tesson. Especially, it is asserted that Tesson discloses "a linkage comprising two elements 7, 8 affixed one to the mast stand and the other to the arm." As disclosed by Tesson, however, reference 7 and 8 only a designate geometrical axis (page 3, lines 22-23). Further, Tesson discloses jack 6 comprised of two parts, one cylinder 6 affixed to stand 1 and a rod affixed to arm 4. Tesson does not disclose that one of these elements carries means to fix a retaining device enabling the operative to control tilting of the arm. Thus, Tesson does not disclose, teach or suggest the limitations contained in Applicant's new claim 11. Additionally, neither Shriver or Bond disclose, teach or suggest the limitations contained in Applicant's new claim 11.

Applicant's new claim 12 contains the limitations of " [a] relay antenna mast for a cellular radio telecommunications system, the relay antenna mast comprising: a mast

stand (1); at least one arm (3) pivotally mounted on said mast stand (1) and carrying at least one antenna of a cellular radio-telecommunication system (5); means for locking said arm in a position in which the antenna(s) is/are in a high position; and a plurality of arms (13a, 13b) pivotally mounted independent from one another on a common mast stand; said arm (3) being suitable, when said locking means are disengaged, for being tilted about its pivot axis (4) to a position in which at least one antenna is at a height enabling it to be worked on by an operative at the foot of the mast."

Neither Shriver, Tesson or Bond disclose a mast having a plurality of arms pivotally mounted independent from one another on a common mast stand.

Applicant's new claim 13 contains the limitations of "[a] relay antenna mast for a cellular radio telecommunications system, the relay antenna mast comprising: a mast stand (1); at least one arm (3) pivotally mounted on said mast stand (1) and carrying a plurality of antennas of a cellular radio-telecommunication system (5); and means for locking said arm in a position in which the antenna(s) is/are in a high position; said arm (3) being suitable, when said locking means are disengaged, for being tilted about its pivot axis (4) to a position in which at least one antenna is at a height enabling it to be worked on by an operative at the foot of the mast."

Neither Shriver, Tesson or Bond disclose an arm carrying a plurality of antennas. It should be noted that the mast disclosed by Shriver carries only one antenna F. And, the mast disclosed by Tesson carries only a set of lights. It should be noted that Tesson discloses reference number 9, which designates lights, not antennas.

Applicant's new claim 14 contains the limitations of "[a] platform for a relay antenna mast in a cellular radio telecommunications system for use in an urban area, the platform comprising a relay antenna mast and a protective guard rail, the relay antenna mast comprising: a mast stand (1); at least one arm (3) pivotally mounted on said mast stand (1) and carrying at least one antenna of a cellular radio-telecommunication system (5); and means for locking said arm in a position in which the antenna(s) is/are in a high position; said arm (3) being suitable, when said locking means are disengaged, for being tilted about its pivot axis (4) to a position in which at

least one antenna is at a height enabling it to be worked on by an operative at the foot of the mast."

It should be noted that part 100 disclosed in Bond is a support for tower 10' as illustrated on figure 9 and explained in column 4, lines 58-59. Neither Shriver, Tesson or Bond disclose a mast having a protective guard rail.

### CONCLUSION

In view of the foregoing, it is submitted that claims 1-14 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

By: \_\_\_\_\_  
Steven Laut, Reg. No. 47,736

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on August 18, 2003.

Jean Svoboda